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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
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Forty-eighth session

SUMMARY RECORD OF THE 517th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 October 1997, at 3 p.m.

Chairman: Mr. SKOGMO (Norway)

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ANNUAL THEME: REPATRIATION CHALLENGES

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The meeting was called to order at 3.15 p.m.

ANNUAL THEME: REPATRIATION CHALLENGES (agenda item 4) (continued)
(A/AC.96/887)

1. Mr. REUTER (Observer for Luxembourg), speaking on behalf of the European Union, said that refugees should be hosted under conditions of safety and dignity and with full respect for the provisions of the 1951 Convention and its 1967 Protocol and that the Office of the United Nations High Commissioner for Refugees (UNHCR) should have full access to refugees, who, in return, must obey the laws of the host country. The task of UNHCR would be difficult, if not impossible, without the political and material support of the international community. The search for host countries depended upon those countries' capacity for the harmonious integration of refugees. Special efforts must be made to alleviate the social and economic impact of massive numbers of refugees in countries with limited resources. Governments, in cooperation with UNHCR, must play a greater role in raising public awareness in order to lessen the difficulties encountered in integrating refugees.

2. The European Union considered voluntary repatriation to be the preferred solution. However, non-voluntary repatriation might prove necessary in the case of persons not in need of international protection, whose return would do much to preserve the institution of asylum for the benefit of those who really needed it. Countries of origin were obligated to permit the return of their nationals. Action by UNHCR and the international community could facilitate the return process and promote cooperation; the principle of non-refoulement was of great importance in that regard. The European Union considered that the repatriation of persons no longer in need of international protection should, if possible, be voluntary and should be carried out under conditions of security and dignity. It was reasonable to assume that repatriation was voluntary when conditions in the country of origin were such as to facilitate safe return and rapid economic and social reintegration on the basis of reconciliation.

3. It was essential for humanitarian principles to be respected during repatriation and it was disturbing to note that, in most cases, repatriated refugees faced many difficult problems upon their return. Absent or inadequate economic, social and legal infrastructures were complicated by the scourge of anti-personnel mines and the persistence of conflicts. The impunity from which some individuals still benefited in their countries of origin must end, and the international community should support the efforts of countries of origin with regard to their domestic legal mechanisms by facilitating access to international tribunals. The European Union welcomed the progress made in drafting the statute of a permanent international criminal court. While UNHCR had a key role to play in the reintegration and protection of repatriated refugees, its presence in countries of origin should be time-limited.

4. The most serious crises of recent years had shown that UNHCR could not fulfil its mandate alone. Without the international community's commitment and the support of a comprehensive, coherent approach on the part of the United Nations system, it would not have been possible to bring an end to

armed conflict in the former Yugoslavia. Despite progress in the return of refugees to Bosnia and Herzegovina, the European Union regretted the delay in implementation of the peace agreements and the continued restrictions on freedom of movement. It encouraged UNHCR to continue its implementation of the "open cities" concept, which constituted an adequate mechanism that combined repatriation, reconstruction and reconciliation. The UNHCR shelter programme was facilitating the transition to the reconstruction phase. In Eastern Slavonia, progress in the return of refugees and displaced persons was not fully satisfactory. Under the mechanism scheduled to replace the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in 1998, UNHCR would continue to fulfil its mandate with regard to refugees and displaced persons.

5. He also noted that the dramatic situation which persisted in the Great Lakes region was partly the result of failure by the Governments of the region to respect their obligations under international humanitarian law. On several occasions, the European Union had expressed its concern about serious human rights violations in the Democratic Republic of the Congo and the forced repatriation of Rwandan refugees. However, it was ready to resume its cooperation with the Government of the Democratic Republic of the Congo gradually, provided that progress was made in the areas of human rights, democratization and the establishment of the rule of law. In that regard, it fully supported UNHCR efforts to bring about the safe return of refugees and greatly regretted the enforced partial suspension of those activities. It called on the Governments of the Democratic Republic of the Congo, Rwanda and all countries of the region to allow UNHCR and other humanitarian organizations to continue their work unhindered and urged them fully to obey international law, particularly the 1951 Convention relating to the Status of Refugees.

6. The European Union paid tribute to the staff of UNHCR and other humanitarian organizations and deplored attempts to hinder their full access to refugees and repatriated refugees in regions affected by humanitarian crises. It also condemned in the strongest possible terms interference with the activities of humanitarian workers, particularly attacks which threatened the latter's physical safety. States and parties to conflicts were required to ensure the safety of humanitarian workers and to punish appropriately all interference with their work.

7. Mr. EGELAND (Norway) said that he welcomed the decision to award the Nobel Peace Prize to Jody Williams, Coordinator of the International Campaign to Ban Landmines. No group had suffered more from the indiscriminate terror of anti-personnel mines than the world's refugees. The Norwegian Government urged all countries to sign the mine ban treaty, agreed on in Oslo in September 1997, in Ottawa. He commended UNHCR on its early and active support for a total ban on anti-personnel mines.

8. There had been a recent decrease in the number of conflicts between States; unfortunately, however, there had been a great increase in the number of conflicts within States. That change made it increasingly difficult to create conditions that would allow the repatriation of refugees and displaced persons to take place in safety and dignity. In most conflict areas, a solution to humanitarian problems could be found only through political

negotiations, but humanitarian efforts could not replace political solutions. Coordinated and coherent efforts by regional actors, the major Powers and donors could probably encourage an end to the conflicts. Unfortunately, it seemed that only short periods of relief were possible and that it was impossible to end the warlords' senseless violence once and for all.

9. Norway was pleased that a formal ceasefire agreement had been signed between the Guatemalan Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in Oslo in December 1996. That agreement had paved the way for full implementation of the Guatemalan refugee agreement signed in Norway in 1994 and for the return of generations of displaced men, women and children.

10. Too little was being spent on conflict prevention and mediation. The Secretary-General, who had few resources, was the world's most important mediator. Norway had just contributed US$ 4 million to the Secretary-General's new fund for preventive diplomacy and urged other donors to do likewise.

11. Most refugee problems were too complex to be solved by humanitarian agencies alone. Cooperation between UNHCR, Governments and non-governmental organizations (NGOs) should be further strengthened in order for the High Commissioner's mandate to be implemented efficiently in the field. Furthermore, the unique protection mandate of UNHCR must be respected by all States. He therefore welcomed the strengthening of the High Commissioner's dialogue with Governments as part of the UNHCR supervisory function established by article 35 of the Convention.

12. Voluntary repatriation remained the preferred solution to refugee problems and the first challenge for the international community. The right of all people to return to their country must be respected and all States must meet their obligation to accept the return of their nationals. A commitment to repatriation in safety and dignity would help to ensure that asylum capacity was maintained in order to accommodate all those who might need political protection in the future. The principle of non-refoulement must be respected. The international community must share the burden of the many countries which generously agreed to accept large numbers of refugees. In that regard, Governments must take particular responsibility for refugee situations arising within their own region: a European refugee instrument would be a useful supplement to the 1951 Convention.

13. For several years, UNHCR had been expanding its efforts to promote and consolidate voluntary repatriation and prevent new displacement. His delegation welcomed that progress towards a more preventive and solution-oriented strategy. By extending assistance to refugees who had returned home and monitoring their welfare, UNHCR was helping to ensure that repatriation was a genuinely lasting solution. However, that strategy also required increased cooperation and coordination with agencies involved in long-term development.

14. In addition to facilitating return, development aid could have a reconciling and preventive effect. Most important, however, was the responsibility of the countries directly concerned. The dilemma that

confronted UNHCR was to determine whether to become involved in situations where national protection was not fully ensured. Despite international pressure, UNHCR continued to confront serious obstacles in the Great Lakes region. He urged the countries of that region to pursue the path of reconciliation and reconstruction and stressed that the terrible human rights abuses of the past could not be an excuse for failure to protect human rights in the present.

15. Norway was also concerned about the slow pace at which the humanitarian aspects of the peace agreement in Bosnia and Herzegovina were being implemented. The main responsibility lay with the many local and regional political leaders who sacrificed the interests of their people to their own short-sighted and conflict-oriented agendas. Obstacles to the return of refugees and displaced persons could not be tolerated and all indicted war criminals must be brought before the International Tribunal in the Hague.

16. Norway would continue to provide strong political and financial support for UNHCR. Subject to parliamentary approval, his Government proposed to increase its annual contribution to the General Programmes by some US$ 3 million for a total of US$ 24 million in 1998. As always, Norway would make large contributions in response to the High Commissioner's special appeals.

17. Mr. AKRAM (Pakistan) called on all donors to continue their support for UNHCR in order to ensure the integrity and continuity of its programmes during the difficult financial situation that it faced. It was through its General Programme that UNHCR could most effectively carry out its mandate in a neutral, non-political and non-discriminatory manner.

18. For over a decade, Pakistan had hosted the single largest concentration of refugees in the world: 3 million Afghan refugees, 1.4 million of whom were still in Pakistan. His Government had implemented a policy of temporary protection with voluntary return as the preferred option. Until the international community created the conditions for voluntary return to Afghanistan, Pakistan considered that it had the right to expect the rest of the world to share with it the burden of hosting such a large refugee population. Unfortunately, the international community's generosity had petered out during the past five years, leaving Pakistan to bear its burden, the economic cost of which was incalculable, alone. For Pakistan, therefore, the restoration of peace in Afghanistan was vital. Furthermore, his Government fully supported United Nations efforts to impose a complete arms embargo and to end all external interference.

19. A multilateral effort should be undertaken in order to facilitate reconstruction and reconciliation in all areas of Afghanistan where peace had been re-established. The majority of Afghan refugees still in Pakistan were from the Afghan provinces bordering Pakistan where fighting had ended and peace had returned. In those peaceful areas, large-scale efforts should be made to promote the return of refugees. To hold back assistance in that regard would condemn millions of innocent Afghans, particularly women and children, to prolonged displacement and endless suffering. With regard to local integration as a deliberate policy of UNHCR, his delegation could only point to the fact that the Afghan refugee population in Pakistan was

comparable in size to that of many United Nations Member States. Pakistan could not be expected to absorb such a large population merely because the international community was no longer willing to fulfil its obligations. Despite increasing pressure at the popular level, Pakistan had never resorted to the easy option of refoulement. Unfortunately, the principle of non-refoulement, which was a basic component of the refugee regime, was under continuous threat of violation.

20. There was a need to implement the principle of burden-sharing between countries of origin, countries of asylum and donor States, which was accepted in the Convention and reiterated in several of the Executive Committee's conclusions. Burden-sharing was not a way of escaping responsibilities, but rather of sharing them, not only in the provision of resources, but also in resettlement opportunities. Countries of first asylum, particularly developing countries, should not be alone in bearing the burden of absorbing refugees unable to return to their homes voluntarily.

21. It was said that globalization was creating a borderless world economy, but, in reality, new barriers were being erected against people, even those in distress, in order to preserve islands of privilege. Pakistan was increasingly concerned at the policies being adopted by countries which, in the past, had been strongly committed to the principles of asylum and the protection of refugees and whose current priority was return and repatriation rather than refuge or resolution of the causes of refugee flows.

22. The entire debate concerning a possible role for UNHCR in cases of persons not in need of international protection was questionable. Countries evading their responsibilities under the 1951 Convention and the 1967 Protocol could not expect to legitimize their restrictive asylum regimes through UNHCR involvement. On the contrary, UNHCR should act as an impartial body that rejected any effort towards a restrictive interpretation of refugee law.

23. Pakistan also opposed the unfortunate erosion of the principle of admitting refugees and, in particular, the increasingly frequent rejection of asylum-seekers and refugees at borders through extremely stringent controls, the growing number of expulsions at borders and misuse of the exclusion clause. In its view, that amounted to refoulement. His delegation agreed with Amnesty International that, while Governments were entitled to control immigration, they should ensure that asylum-seekers had access to a fair and equitable procedure.

24. Excessive numbers of rejected asylum-seekers were said to pose a threat to the institution of asylum. That might, in fact, be due to the increasingly stringent and demanding asylum laws that were being put in place and to the administrative bottlenecks which undermined the human rights of asylum-seekers. It was important to streamline those procedures rather than resorting to a blanket denial at borders.

25. Non-signatory members of the Executive Committee were often urged to ratify the 1951 Convention and the 1967 Protocol. His delegation considered that actions spoke louder than words, since, although Pakistan had not

ratified those two instruments, it had established its full respect for the principles of international refugee law through its continued respect for the rights of refugees. It would continue to follow that policy.

26. Mr. SSALI (Uganda) said it had been hoped that the end of the cold war would bring an end to conflicts and herald a new era of peaceful coexistence between and within countries. Unfortunately, that had not been the case, as shown by the upsurge in local and regional conflicts that had generated thousands of refugees. The annual theme of the current session was of particular interest for Africa because that continent, particularly the Great Lakes region, had generated the highest number of refugees and because, given the economic situation in Africa, the repatriation of those refugees presented a number of challenges. The annual theme was also of particular interest to Uganda for two main reasons. First, the country had generated a large number of refugees in the 1970s and 1980s, but had been able to secure the repatriation of the majority of its citizens in the 1990s and, secondly, it had long been a host country for numerous refugees fleeing from neighbouring countries.

27. He therefore highlighted four of the challenges which his country had faced during its repatriation operations: the introduction of innovative measures for refugees who had repatriated spontaneously; the repatriation of bona fide refugees who had become virtual hostages of organized criminal elements in refugee camps; environmental rehabilitation following the departure of refugees and the possible closure of refugee camps or settlements; and the establishment of stability in the country of origin.

28. When President Museveni had come to power in 1986, over half a million Ugandans had been living in exile. The Government had pursued a policy of national reconciliation and, in particular, had declared an amnesty for all exiled Ugandans. Those measures had, indeed, encouraged the voluntary repatriation of refugees; however, because those refugees had decided to return unaided, Uganda had faced many problems and had not received assistance from the international community in order to facilitate the reintegration of refugees into their communities. It was important for the international community to address that problem so that the lack of assistance to spontaneous returnees did not discourage others from following their example. It might be useful to implement quick impact projects, which had the advantage of benefiting not only returnees, but also the local population.

29. Another challenge stemmed from the failure to observe the principles of asylum in the Great Lakes region. Genuine asylum-seekers had been placed in the same camps with criminals who had then held them hostage. It was crucial for UNHCR and host countries to screen the refugee population so as to separate criminal elements and create conditions for the repatriation of refugees.

30. It should also be borne in mind that conflicts, especially in Africa, were responsible for the displacement of entire populations within and across borders. Very often, areas of conflict and those where refugees were present suffered serious economic and environmental damage. That situation called for, on the one hand, the taking of emergency measures by the international community and the country of origin in order to repair the damage to the

environment as soon as conditions in the country made possible the return of the exiles and, on the other, the international community's investment in environmental initiatives in the host countries. Uganda was particularly interested in that point since large areas in the north and west of the country had suffered severe damage.

31. Internal conflicts had created the new phenomenon of internally displaced persons. Since those persons were currently more numerous than refugees, the international community must find ways of assisting them. In fact, over half of the world's refugees and displaced persons were children whose physical and psychological well-being was profoundly affected by the disruption of families and community structures and inadequate resources. It was therefore necessary to develop strategies which took those problems into account and, in particular, which would enable those children to go to school and their families to earn a living.

32. It was clear from document A/AC.96/884/Add.2 that the resources projected for 1997 fell far short of the estimated cost of UNHCR programmes for that period. He urged donor countries to respond to the High Commissioner's appeal for contributions so that UNHCR could carry out its activities. Host countries, which bore a heavy burden, must be supported in their efforts. Uganda recognized that lasting solutions to the refugee problem would require the concerted efforts of the Governments concerned and the international community in order to create conditions necessary for peace and stability. He hoped that the international community would fulfil its commitment to support Africa.

33. Ms. ANDERSSON (Sweden) said that proposing solutions to refugee problems was the ultimate goal of UNHCR. Voluntary repatriation was the preferred solution, but repatriation was often a difficult and sensitive exercise because it took place in situations of insecurity. Sweden was seriously concerned at recent incidents of refoulement and premature involuntary return and urged all States and parties concerned to ensure adherence to refugee law.

34. A new concept had appeared, that of "repatriation emergencies". Human, national and international security were interdependent. In addition to the programmes carried out in that area, solutions to humanitarian crises would also require political commitment at the national and international levels. Her Government therefore welcomed the Security Council's new openness to the concerns of humanitarian actors and expected the international community to demonstrate the political will necessary to solve and prevent humanitarian crises of the scale and complexity mentioned by the High Commissioner at the previous meeting. Sweden considered that a common understanding and good diagnosis of the factors which triggered refugee outflows or prompt refugee return were essential for an adequate response. Both protection and assistance measures were necessary to foster the reintegration of refugees. UNHCR had adopted many innovative approaches, but since new pressures on that agency had had negative consequences in the areas of finance and programme management, the issue required continuous monitoring by the Standing Committee.

35. While protection was at the core of the mandate of UNHCR, protection activities were not clearly indicated in its annual budget. Protection in the repatriation context was directly linked to a functioning national protection regime in the country of origin. Her delegation had noted with interest the new features of UNHCR activities in the legal and justice sectors and looked forward to the results. There was a need for close cooperation between UNHCR, other United Nations agencies, regional bodies and bilateral partners in order to monitor the safety of refugee return, including respect for basic human rights.

36. The observations made by UNHCR indicated an erosion in the institution of asylum, partly as a result of transboundary security risks that accompanied refugee flows. The international community must recognize the difficulties faced by countries which were emerging from civil conflict and countries of asylum which bordered on conflict areas and should be more willing to assist those countries. In the case of Europe, the situation in the former Yugoslavia showed that obstacles to return and reintegration could be enormous despite the existence of a peace agreement. Innovative measures to promote voluntary repatriation were necessary. As UNHCR had suggested, incentives for positive national commitments should be encouraged. When refugees mingled with armed or military elements, the credibility of the asylum regime was threatened. It was therefore important to screen refugees and determine refugee status at an early stage, not only in order to permit effective management of relief programmes, but also in order to encourage smooth repatriation when conditions permitted. When repatriation was not feasible, resettlement remained one way of solving refugee problems. However, too few countries offered that possibility.

37. Since not all asylum-seekers were eligible for refugee status, UNHCR, in cooperation with the International Organization for Migration (IOM), should play a more important role in facilitating the return and reintegration of persons not in need of international protection, including rejected asylum-seekers. With regard to repatriation and the promotion of national protection, Sweden welcomed the High Commissioner's growing cooperation with regional and subregional organizations and her efforts to promote regional consultations between States on refugee and migration-related issues. With respect to regional cooperation, she drew attention to the important role played by UNHCR in the new democratic States of Europe. One significant achievement was the accession of all three Baltic States to the 1951 Geneva Convention and the 1967 Protocol.

38. In concluding, she paid tribute to the High Commissioner and her staff for their dedication and courage in carrying out their responsibilities and expressed deep regret that some humanitarian workers had died in the course of their activities.

39. Mr. FOULKES (United Kingdom) said that his Government believed in the importance of a strong international system in promoting political stability, social cohesion and an effective response to the threat of conflict and that UNHCR had an important place in that system. Not only was it responsible for providing humanitarian assistance to many populations of refugees and other displaced persons; it also ensured that the 1951 Convention relating to the Status of Refugees and other international instruments were respected. That

function must not be neglected in the face of an increasing demand for humanitarian aid. His Government would provide political and financial support for UNHCR and was committed to meeting its obligations under the 1951 Convention and its 1967 Protocol.

40. His delegation welcomed the choice of annual theme and considered that UNHCR should continue to give high priority to the search for lasting solutions to refugee problems. Although repatriation was sometimes problematic, it remained the preferred solution when conditions permitted. His Government was extremely concerned at the fact that some Governments - particularly the Democratic Republic of the Congo in the case of the Rwandan refugees - were forcing refugees to return while denying access to them by UNHCR's officials. Furthermore, in some cases, it was better for UNHCR to organize the return of refugees even if conditions in their country of origin were less than ideal. It was also important for UNHCR to promote, or at least not to discourage, refugees from returning home and for the distribution of aid not to be used to further the political ends of particular groups. Lastly, UNHCR should carefully consider to what extent it should become involved in reconstruction work in countries of origin, especially when other development agencies might already be active in that area.

41. There was a need to determine whether or not humanitarian assistance should be provided. A coherent system-wide approach to conflicts and crises was essential and depended on close cooperation among the humanitarian agencies themselves, but also on active cooperation from UNHCR and other United Nations agencies. His Government planned to introduce legislation to allow people to use the British courts to enforce their rights under the European Convention on Human Rights and was reviewing its asylum determination procedure in order to make it fairer and faster.

42. His Government was grateful to UNHCR for its active cooperation in Hong Kong and supported UNHCR's return and reintegration programmes in the former Yugoslavia. The Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the countries of the Commonwealth of Independent States (A/RES/50/151) was another important endeavour and his delegation was pleased to announce a contribution of US$ 1 million to those activities.

43. In conclusion, he congratulated the High Commissioner and staff of UNHCR on their achievements. Although the operating environment for humanitarian operations had never been so complex and dangerous, UNHCR was confronting those challenges with determination and deserved the international community's moral and financial support.

44. Mr. van WULFFTEN PALTHE (Netherlands), referring to the UNHCR report on the return of persons not in need of international protection, stressed that States were required to allow the return of their own nationals. His delegation believed that UNHCR had a role to play in the return of persons not in need of international protection. For example, it could promote and facilitate dialogue between countries of refuge and countries of origin and assist the return of internally displaced persons to their places of origin in consultation with national Governments and other international organizations.

45. With regard to the 1997 annual theme, the Netherlands acknowledged the growing role of UNHCR in repatriation operations. It had been pointed out that the ultimate goal was to establish conditions for the return of refugees on a voluntary basis and under conditions of safety and dignity. Because humanitarian aid and political issues were becoming increasingly intertwined, humanitarian organizations and the international community should develop a coherent policy to counter the politicization of that assistance. For its part, UNHCR could signal political developments relating to refugees, particularly wnere those developments posed a threat to the latter's safety. The Department of Humanitarian Affairs (DHA) could organize informal consultations between the international actors involved in order to develop a joint strategy. The examples of the United Republic of Tanzania and the former Zaire showed the need to pay greater attention to political developments in refugee communities and to the position of refugees in host countries, and UNHCR was probably one of the organizations best placed to draw attention to such situations. That capacity could be put to more effective use if UNHCR and other relevant international bodies developed a joint strategy based on shared information.

46. With regard to crisis situations in the Great Lakes region, he emphasized that UNHCR must sometimes choose between trying to ensure security, albeit not according to international standards, or giving no assistance at all. Since unsuccessful repatriation operations had a detrimental effect on the process of reconciliation, the question of determining whether or not to organize such operations was one of the High Commissioner's most difficult dilemmas.

47. It might be asked whether UNHCR should have taken earlier action on the situation which had gradually developed in the Rwandan refugee camps in Eastern Zaire and which had been comparable to a hostage situation. Médecins sans frontières had taken a clear stand in 1995 by deciding to stop relief activities in the camps and UNHCR should perhaps have followed that example. When a refugee population was held hostage by a well-organized and perhaps even armed minority for political and military purposes, UNHCR might reconsider its activities, particularly where relief was being used to promote the interests of that minority and might limit itself to helping to establish requests for asylum. In such a situation, could relief activities not be carried out by others?

48. With regard to the role of UNHCR in reintegration, rehabilitation and reconstruction, he emphasized that the protection of refugees and limited assistance in facilitating their return should remain the core activities of UNHCR, whose implementing partners (local or international NGOs) often had knowledge of specific situations which would allow them to play a more important role in refugee rehabilitation.

49. In conclusion, several conditions must be met if UNHCR was to respond to repatriation challenges. Strategies must be developed to cope with the political aspects of the refugee problem, international consultation mechanisms must be established in order to review major refugee situations and improve coordination between humanitarian and political action, the ability of UNHCR to respond rapidly in complex situations and to negotiate with the

parties in power must be enhanced and the possible role of UNHCR in rehabilitation and reconstruction in cases of refugee return must not be exaggerated.

50. Ms. BEDLINGTON (Australia) said that the UNHCR decision to suspend activities in Central Africa was a sign of the problems it faced in its efforts to protect refugees while ensuring the safety of its own staff. Her delegation supported that decision and all efforts to foster improved conditions in that region.

51. The annual theme of the current session, repatriation challenges, was a logical continuation of the 1996 theme, the pursuit and implementation of solutions. While the repatriation of those who had required international protection must occur only under conditions of security and dignity and with the consent of the persons involved, there was no denying that the complexity and scale of recent population movements had made the implementation of repatriation programmes a challenge for UNHCR and the international community.

52. Australia had a long history of providing assistance to refugees fleeing persecution, but there was growing concern about the increasing abuse of the asylum process by persons not in need of international protection. Australia had therefore changed its procedure for processing asylum requests in order to make it more streamlined and cost-effective. For a country like Australia, the inability to return those not in need of international protection to their country of nationality or usual residence undermined public confidence in, and support for, the protection regime. Her delegation welcomed the UNHCR suggestion to explore the possibility of creating a regional mechanism where the Governments of countries of asylum and countries of origin could discuss problems related to the return of unsuccessful asylum-seekers.

53. While voluntary repatriation was the most durable and, therefore, the preferred solution, resettlement was the best option in sensitive cases where repatriation or reintegration into the country of first asylum were not feasible or did not meet the protection needs of the people concerned. In that regard, Australia had, per capita, one of the largest refugee settlement programmes in the world. At present, admissions to Australia for humanitarian reasons accounted for 15 per cent of all immigration to the country. In 1997, the Government had focused on the former Yugoslavia, the Middle East and Africa. However, its capacity to resettle refugees was being eroded by a broadening interpretation of the criteria set forth in the 1951 Convention which was paving the way for the consideration of other humanitarian principles. The Government was particularly concerned about the definition of the concepts of "particular social group", "persecution" and "effective protection". Unless checked, such developments might threaten the capacity of States to resettle those most in need.

54. Effective and durable repatriation also required the provision of immediate life-sustaining support in countries of first asylum, rehabilitation of shattered infrastructures and institution building in the country of origin. Australia provided substantial assistance to meet the needs of refugees and internally displaced persons, particularly in the Great Lakes region. Direct assistance to refugees was also part of Australia's larger development assistance programme, which focused predominately on the

Asia-Pacific region as part of an effort to build a secure and stable region in which conflict, and the resulting population flows, could be prevented. United Nations agencies, including UNHCR, and NGOs had played an important role in that regard.

55. Furthermore, since 1993, Australia had been carrying out a major programme of humanitarian and development assistance in Cambodia. Australian assistance, which was being used to clear landmines, rebuild infrastructures, promote good governance and human rights, rehabilitate agriculture and feed the hungry, had proved vital in producing the conditions for the successful repatriation of Cambodian refugees. Australia also supported the repatriation of refugees along the Thailand/Burma border and the Burma/Bangladesh border.

56. As the High Commissioner had mentioned, there should be continuing cooperative dialogue between Governments and UNHCR. That fact had prompted the organization of the Conference on Regional Approaches to Refugees and Displaced Persons of Asia and the Pacific, which had been hosted by Australia and UNHCR in Canberra in 1996 and by Thailand and UNHCR in Bangkok in 1997. On both of those occasions, the Governments of the Asia-Pacific region had emphasized the need for a common understanding of repatriation problems and a search for solutions at the regional level and had mentioned the special responsibility of countries for their own citizens. The Asia-Pacific region, which had a tremendous potential for constructive cooperation and a tradition of consensus, had been responsible for one of the most remarkable examples of cooperation in the history of UNHCR, the Comprehensive Plan of Action for Indo-Chinese Refugees, which had made possible the repatriation or resettlement of over 1 million people.

57. Lastly, she acknowledged Australia's excellent working relationship with UNHCR, both in Geneva and in the field. She paid tribute to the significant economic and social contribution made by refugees to the cultural development of her country and reiterated her Government's commitment to working closely with UNHCR in providing assistance to refugees and other victims of human rights violations worldwide.

58. Mr. EBRAHIMI (Islamic Republic of Iran) said that, at the turn of the century, the refugee crisis was one of the most daunting challenges to the international community. Developing countries, which, for humanitarian reasons, hosted the largest number of refugees, bore the greatest burden, yet received little in the way of international assistance.

59. For six consecutive years, the Islamic Republic of Iran, which hosted more than 2.1 million refugees, had been the leader in that regard. The challenge had been, and remained, enormous and the Government and people of the Islamic Republic of Iran were proud to have provided that large population with shelter, food, water, employment, education, health and other basic services. However, most developing countries, which faced their own economic, social and political problems, were unable to meet the increasing needs of growing numbers of refugees. Therefore, in the name of international solidarity, serious consideration should be given to the questions of burden-sharing and resettlement. The latter option should be explored as a priority by the developed countries, which were better able to accommodate refugees.

60. With regard to the Executive Committee's annual theme, repatriation challenges, he reiterated that voluntary repatriation was the best solution. However, since that goal could be achieved only if the situation in the country of origin had returned to normal so that returnees could be provided with basic services, solutions to civil and regional conflicts must be found with the help of financial resources and comprehensive plans and UNHCR must spearhead United Nations system activities aimed at creating favourable conditions in countries of origin. To that end, it should work closely with other organs and programmes of the system.

61. Repatriation programmes should be flexible. For example, if repatriation was slowed down or suspended owing to a lack of security in the country of origin, resources should be allocated to other refugee projects in the host country. There was also a need for greater decentralization of UNHCR activities and delegation of authority to the field offices. Without minimizing the importance of national and international activity, he emphasized the contribution of regional cooperation and the need to support UNHCR's regional approach initiative and the holding of regional conferences.

62. It was regrettable that some countries, caving in to the demands of racist groups, were imposing additional restrictions on the admission of refugees. He also emphasized the need to protect the cultural identity of refugees and suggested that that issue should be the main theme of a future session of the Executive Committee.

63. Ms. GHOSE (India) expressed appreciation for the fact that, despite trying circumstances, UNHCR had continued to implement its dual mandate of the protection of refugees and the search for permanent solutions to refugee problems. As the High Commissioner had stated in her opening address, the right to asylum and the right to non-refoulement were crucial principles which should be guaranteed through cooperation between States.

64. The theme of the current session, repatriation challenges, must be viewed in the context of the three major types of population movements currently taking place in the world: massive exodus due to civil wars, usually in developing countries; requests for asylum, primarily in developed countries; and illegal economic migration, which was common to both developing and developed countries.

65. In developing countries confronted with massive refugee flows, historical openness to refugees was waning, a fact which had led to the solution of repatriation to still unstable countries of origin. However, since the receiving countries were usually among the poorest in the world, it was essential for the international community to provide financial support and other forms of burden-sharing and to address problems in the countries of origin. Neither the duty to receive refugees nor the real costs associated with their arrival were equitably apportioned worldwide and assistance from other countries or from UNHCR was sometimes seen as a matter of charity. The 1951 Convention neither anticipated nor provided answers to the problems of front-line receiving States confronted with such mass exoduses.

66. At the same time, concerted action was required in addressing problems in countries of origin. Since humanitarian assistance could provide, at best, only temporary relief, efforts should focus on strengthening local capacities, integrating development approaches into relief activities and, eventually, handing over the process to national bodies or appropriate institutions such as the United Nations Development Programme (UNDP). In that regard, the High Commissioner had mentioned the signing of a memorandum of understanding between UNHCR, the UNDP Office in Rwanda and other United Nations agencies, including the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF); India appreciated such activities and suggested the possibility of undertaking a dialogue with the United Nations Conference on Trade and Development (UNCTAD), particularly with regard to the least developed countries in Africa.

67. Turning to the second category of movements, that of individuals or groups seeking political asylum, she said it was unfortunate that political refugees were treated as potential illegal economic migrants. It appeared that signatories to the 1951 Convention were derogating from its provisions by introducing new concepts such as "temporary protection" and questioning the fundamental principle of non-refoulement. There was no doubt that the social reaction to economic migrants, legal and illegal, had had an adverse impact on the refugee regimes in those countries. Developed countries must accept their responsibilities under international refugee and humanitarian law, desist from unilateral restrictive practices and accept the concepts of multiculturalism and pluralism so that all persons living in their territory were guaranteed basic human rights.

68. With regard to the third category, that of economic migrants who sometimes sought to enter countries illegally, while it was clear that such flows took place and could be cause for concern, neither the parameters nor the dimensions of that complex problem were known and it was not always possible to find solutions. As the United Nations agency with primary responsibility for refugees and an institution with great experience in handling composite population flows, UNHCR could be a catalyst in the study of those questions and in the search for and implementation of solutions. Her delegation was not in favour of allowing UNHCR to be forced into a "good offices" or passive monitoring role with regard to the return of rejected asylum-seekers from developed countries.

69. Unilateral solutions, such as the European Union's recent decision to restrict access to asylum because of the threat to security in its member States, were not the right path. Problems such as terrorism should be addressed in a collective manner, taking into account the interests of all States and the international nature of the problem. An open, transparent and multilateral process was the best means of ensuring a balance between refugees' need for protection and the legitimate security concerns of States.

70. Although India did not yet have a comprehensive refugee law, various court decisions, which had been based on the principle of the right to life and liberty of all persons residing in the country, provided guidelines. India had not signed the 1951 Convention because that instrument had been adopted in the specific context of conditions in Europe after the Second World War. It was evident that many of its provisions, particularly those which

dealt with the determination of status and social security, had little relevance to the circumstances of developing countries in the modern world, whose primary concern was mass and mixed inflows. In any case, signing the Convention alone was unlikely to result in any practical improvement in the protection which refugees had always enjoyed in India.

71. The time had come for a fundamental reformulation of international refugee law in order to take account of present-day realities. India was ready to join an international discussion on that question, although it was aware that fears had been expressed about a possible downward spiral in refugee protection and that the current mood in developed countries was not in favour of refugees. However, it must be recognized that refugee movements were primarily the developing countries' problem and that the biggest donors were, in reality, the developing countries which put at risk their fragile environment, economy and society in order to offer asylum to millions of refugees. An international system which did not address those concerns could not be sustained.

72. The Executive Committee's decision to expand the role of NGOs in the Standing Committee's activities had been a wise one since NGOs could bring to the Committee's meetings the valuable experience which they had acquired at the grass-roots level. However, because the Committee's meetings were conducted in a highly professional manner, the secretariat must ensure that the NGOs which participated had actual experience with refugee issues. Her delegation believed that UNHCR was a dynamic and efficient organization whose policies, functioning and staff must reflect the global nature of refugee concerns and the universal support enjoyed by the High Commissioner.

73. Mr. DEMBRI (Algeria) said that the relative stabilization of refugee movements worldwide was a sign of a disturbing lack of progress in the promotion and implementation of solutions to the refugee problem. The institution of asylum, which was the basis of refugee law, was the subject of flagrant violations, if not severe restrictions. The threat to that institution took the form of the violation of a corollary principle, that of non-refoulement, which was at the very heart of humanitarian law as a whole and refugee law in particular. However, asylum was an apolitical, humanitarian act that did not cover the activities of groups which promoted violence or condoned terrorism and which must not be subjected to extremist and demagogic media coverage.

74. While the UNHCR decision to make repatriation its annual theme had been a wise one, it was also a sign of the complexity of the issue and of the problems associated with its implementation. In cases where some areas of the country of origin were relatively stable, repatriation should be voluntary and based on the competent authorities' objective evaluation of security conditions in the areas targeted for return. His Government therefore considered that the recent political upheavals in the Great Lakes region and the resulting humanitarian crisis required a new approach which reconciled humanitarian principles with the national concerns of countries of asylum and origin. On the other hand, in areas of continued conflict, the evacuation of thousands of Rwandan refugees to their country of origin should not serve as a model for the solution of refugee problems, since it had failed to respect the principle of voluntary return.

75. Repatriation included a type of assistance aimed at facilitating reinsertion of individuals into their place of origin, and his delegation supported any effort to encourage reintegration of refugees under conditions of dignity in cooperation with host countries and the relevant agencies. However, he was less wholehearted in his support for UNHCR involvement in national reconciliation efforts. The political nature of such activities were ill-suited to UNHCR's humanitarian, apolitical nature and could only weaken its credibility in cases of controversy or disagreement.

76. Despite financial constraints, Algeria had made a considerable contribution to the voluntary repatriation of displaced persons and refugees in its territory under conditions of dignity and security. For example, it had pledged to donate $2 million for the implementation of a peace and development plan in northern Mali and had financed the supply of services to two reception sites in order to facilitate the reintegration of repatriated refugees.

77. The Algerian Government welcomed the recent developments in the peace process in northern Niger and measures taken by the Government of that country to encourage the repatriation of refugees. In November, UNHCR and the Algerian Government would start a joint repatriation operation for 400 refugees from the Niger per week. That operation would be proceeded by the provision of services to the reception sites, which was a necessary preliminary to repatriation.

78. Another example of the equitable implementation of the principle of voluntary repatriation was Algeria's contribution to the search for a just and lasting solution to the problem of Sahraoui refugees. He reiterated that UNHCR had responsibilities with regard to refugee populations seeking their legitimate rights.

79. Algeria shared UNHCR's concern about the financial problems it had faced in the past few years and urged the international community to demonstrate increased solidarity and generosity in order to eliminate two painful sources of human misery, displacement and forced repatriation.

80. Mr. GARNJANA-GOONCHORN (Thailand) thanked the secretariat for producing a comprehensive document on the annual theme of the current session. Thailand, which had hosted hundreds of thousands of Indo-Chinese and other refugees for decades, viewed repatriation as an issue of the utmost importance which had been somewhat neglected in the past. Although UNHCR had devoted a large portion of its budget to repatriation and reintegration, there was still much room for improvement.

81. It had been possible to repatriate only a handful of the approximately 140,000 refugees and displaced persons of various nationalities in Thailand because of the situation in their countries of origin. In keeping with its humanitarian tradition, his Government granted temporary asylum to those who fled the war provided that they did not use Thailand as a staging area from which to conduct activities detrimental to other countries, that they

respected the law and that they did not jeopardize Thailand's national interest. Playing host to thousands of refugees and displaced persons had not been without cost in terms of personnel, environmental degradation, control of epidemics and psychological impact.

82. Despite those difficulties, Thailand was committed to providing temporary protection to refugees. For example, in the west, the Government had decided to combine the many border camps and to relocate displaced persons from Myanmar to safer locations farther from the border; that had led to unfair criticism of those efforts. In the east, Thailand also hosted 49,232 Cambodian refugees who had fled the internal armed conflict in their country. The Government had housed them in temporary shelters away from the border and had given them humanitarian assistance in cooperation with the Thai Red Cross, UNHCR and the NGOs concerned.

83. He emphasized the temporary nature of the asylum and protection provided to refugees and displaced persons on humanitarian grounds. His Government was convinced that the durable solution to the problems of refugees and displaced persons was for them to be helped to return to their countries when conditions permitted. The success of any repatriation operation depended on the countries of origin, which must demonstrate a sense of responsibility towards their own people. They were responsible for eliminating the social, economic or political conditions which had caused the exodus of their people and for recognizing the latter's right to return.

84. Thailand believed that UNHCR should monitor the safety and dignity of all returnees. Rather than limiting itself to a mere "good offices" function, it should forge agreements with countries of origin to ensure the safe return of refugees, as it had done in the cases of Cambodian, Vietnamese and Laos refugees. In that regard, Thailand urged UNHCR to continue its dialogue with Myanmar with a view to facilitating the return and reintegration of displaced persons from that country.

85. Reintegration had a crucial role to play as a material incentive for return. However, piecemeal reintegration alone might not prevent the recurrence of a vast exodus of refugees; far more important was the sustainability of reintegration. While his delegation supported the quick impact projects, it wished to stress the need for a "continuum" from relief to development as a means of addressing the root causes of mass exodus in the countries of origin. In that connection, his delegation welcomed the renewed discussion of the implementation of the cessation clause of the 1951 Convention, which would encourage repatriation.

86. There was a need to explore the possibility of establishing relief transit centres in countries of origin at locations where logistics would not be a problem in order to prevent internal displacement from spilling over into mass exoduses of refugees. That idea, which had been discussed in the past, deserved to be re-examined, particularly in south-east Asia, where conditions were more favourable than in other regions.

87. Mr. LAFRENIERE (Canada) said that the current debate was a timely one. Canada believed that repatriation remained the preferred solution for most refugees and that it should be based on States' commitment fully to respect

basic humanitarian principles, particularly that of non-refoulement. In addition, if the institution of asylum was to be preserved, UNHCR must have the necessary tools to fulfil its international protection function.

88. Canada believed that repatriation plans must be guided by a number of important considerations. First, repatriation should be promoted only if refugees could return in safety, which, in some countries, would require demining operations. Secondly, ensuring the voluntary nature of repatriation must remain a consistent goal, although there would always be situations where repatriation in less than ideal conditions might be preferable to the continued presence of refugees in a host country. Thirdly, particular emphasis must be placed on the needs of returning women and children, who were a high-risk group within an already vulnerable population. Fourthly, repatriation must not lead to further destabilization in the region. Lastly, preparation for eventual return must be initiated as soon as basic humanitarian assistance had been provided.

89. Canada was concerned about breaches of the fundamental principle of non-refoulement. He pointed out that UNHCR had a mandate to protect refugee populations and that all States had an obligation to cooperate with it, particularly by ensuring full and free humanitarian access to refugee populations in their territories.

90. However, UNHCR and the international community must continually examine the wider impact of refugee assistance programmes, especially in situations of violent conflict. Protracted refugee assistance programmes and assistance to those who did not need, or no longer needed, such support could exacerbate conflict. Canada therefore encouraged UNHCR to apply the cessation clauses contained in the 1951 Convention. Furthermore, UNHCR had an initial role to play in reintegration activities, which must be carried out in cooperation with other United Nations agencies, international organizations and NGOs. He expressed his Government's strong support for the Secretary-General's reform and, in particular, the initiatives aimed at improving the effectiveness of the United Nations humanitarian system.

The meeting rose at 6.20 p.m.